

## REMARKS

### Drawings

The Examiner objected to the drawings as failing to comply with 37 CFR 1.84(p)(5) "because they do not include the following reference sign(s) mentioned in the description: #300 (page 9)". The Examiner further objected to the drawings under 37 § CFR 1.83(a), because § CFR 1.83(a) requires that the drawings show every feature of the invention specified in the claims. "Therefore, the surgical tape (claims 11-14) must be shown or the features canceled from the claim(s)."

In response, Applicant has amended Figure 7D and Figure 7E.

Figure 7E has been replaced with a replacement sheet in which the malleable stylet appearing in the unchanged figure has been identified by the reference numeral 300 corresponding to the discussion of the malleable stylet in the specification.

Figure 7D had been replaced with a replacement sheet in which the figure has been duplicated. In replacement Figure 7D-1, the figure appears (unchanged) with a fixation ring 113. In replacement Figure 7D-2, the figure appears with surgical tape identified by the new reference numeral 127, in lieu of a fixation ring. The specification has been amended to assign the new reference numeral 127 to the surgical tape wherever it is discussed.

## Abstract

The Examiner objected to the Abstract, “because the phrase ‘The present invention is’ is redundant and can be inferred from the abstract.”

In response, Applicant has amended the Abstract accordingly.

## Claim Objections

The Examiner objected to Claims 8 and 10-14 are as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In the Application as filed, (cancelled) Independent (base) Claim 1 introduced shroud 110. Thereafter, in (cancelled) Dependent Claim 2 and (cancelled) Dependent Claim 5, the shroud was claimed as having frusto-conical shape.

In (cancelled) Dependent Claim 2, the shroud was claimed as extending from a first plane perpendicular to a longitudinal axis of the introducer to a second *circle* in a second plane parallel to the first plane, which second circle was generally coaxial with and unattached to the introducer.

In (cancelled) Dependent Claim 5, the shroud was claimed as extending from a first plane perpendicular to a longitudinal axis of the introducer to an *ellipse* in a second plane that was either parallel or other than parallel to the first plane, which ellipse was unattached to the introducer.

In order to rewrite the Original Claims in independent form including all of the limitations of the (cancelled) base claim and intervening (cancelled) Dependent Claim 2 and (cancelled) Dependent Claim 5, New Independent Claim 15 claims the shroud having the frusto-conical shape as “extending from a circle in a first plane that is . . . perpendicular to a longitudinal axis of said introducer, to a *closed conic section* in a second plane, said closed conic section being

generally coaxial with and unattached to said introducer." (emphasis supplied)

Since a closed conic section can only be a circle or an ellipse, it encompasses both geometric figures in a single descriptor, and effectively merges the limitations on the shroud of both (cancelled) Dependent Claim 2 and (cancelled) Dependent Claim 5 into New Independent Claim 15.

Since a closed conic section can only be a circle or an ellipse, no new matter has been introduced because non-amended portions of the Detailed Written Description of the Application specify that:

"[S]hroud 110 may have a first substantially frusto-conical shape that extends from a first circle 114 in a first plane that is perpendicular to longitudinal axis 111 of tubular member 109 .... and a second circle 115 in a second plane that is parallel to the first plane of first circle 114. Second *circle* of shroud 110 is generally coaxial with tubular member 109 (FIG. 1) and is unattached to tubular member 109 .... [P. 6; fourth full paragraph; Lines 16 20 (emphasis supplied)]

"[S]hroud 110 may also have a second substantially frusto-conical shape 118 that extends from first circle 114 in a first plane that is perpendicular to longitudinal axis 111 of tubular member 109 ... to an *ellipse* 116 in a second plane that is either parallel or other than parallel to the first plane of first circle 114. Ellipse 116 is unattached to tubular member 109 .... [P. 7; Second Full Paragraph; Lines 5-9 (emphasis supplied)]

In light of the foregoing remarks, Applicant respectfully submits that claims 15-19 have been rewritten in independent form to include all of the limitations of the canceled base claims upon

which they were formerly dependent and any canceled intervening claims; and are therefore in condition for allowance.

**REMARKS REGARDING ADDITIONAL CLAIMS & PAYMENT OF FEES:**

The amendments herein added 5 new independent claims, resulting in additional fees due of \$300.00.

**REQUEST FOR EXTENSION OF TIME:**

It is requested that a one month extension of time be granted for the filing of this response, for which the fee is \$60.00.

A check in the amount of \$360.00, payable to the Commissioner for Patents, is enclosed herewith. Please deduct any underpayment or credit any overpayments to deposit account 503033.

## CONCLUSION

In summary, based on the preceding remarks and amendments, Applicant respectfully believes that all of the New Claims 15-19 meet the acceptance criteria for allowance and therefore, upon reconsideration, requests favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invites the Examiner to contact Applicants' representative at the telephone number listed below.

Respectfully submitted,



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**Appendix A.**

**Identification of Amended Material**

Request For Approval of Drawing Corrections

2 Sheets of Replacement Drawings